

DAVID L. ANDERSON (CABN 149604)
United States Attorney

HALLIE HOFFMAN (CABN 210020)
Chief, Criminal Division

JONATHAN U. LEE (CABN 148792)
Assistant United States Attorney

1301 Clay Street, Suite 340S
Oakland, California 94612
Telephone: (510) 637-3703
FAX: (510) 637-3724
Jonathan.Lee@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

V.

DAVID LEIGH COOK,

Defendant.

CASE NO. CR 19-00172 JD

**STIPULATION AND ~~PROPOSED~~ ORDER RE
SENTENCING HEARING**

Date: October 23, 2019
Time: 10:30 a.m.

1 Following notification today that (1) the defendant has a scheduled appearance in a state
2 proceeding tomorrow, October 23, 2019, and (2) the government has not filed a writ of habeas corpus ad
3 prosequendum for the pending sentencing hearing, counsel of record met and conferred and hereby
4 request postponement of the sentencing hearing, subject to the approval of the court, to either November
5 20, 2019, at 10:30 a.m., or December 4, 2019, at 10:30 a.m.

6 The parties agree and jointly request that the time from October 23, 2019 through and including
7 the rescheduled sentencing hearing date be excluded to provide reasonable time necessary for effective
8 preparation. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further agree that the ends of justice served
9 by granting the postponement outweigh the best interest of the public and the defendant in a speedy trial.
10 *See id.*

11 The undersigned Assistant United States Attorney certifies that he has obtained approval from
12 counsel for the defendant to file this stipulation and proposed order.

13 IT IS SO STIPULATED.

14 Dated: October 22, 2019

/s/
CHRISTOPHER J. CANNON
Attorney for DAVID LEIGH COOK

17 Dated: October 22, 2019

/s/
JONATHAN U. LEE
Assistant United States Attorney
Attorney for the UNITED STATES OF AMERICA

1 **~~(PROPOSED)~~ ORDER**

2 Based upon the stipulation of the parties, and for good cause shown, the Court postpones the
3 pending sentencing hearing from October 23, 2019 at 10:30 a.m. to December 4, 2019 at 10:30 a.m.

4 For the reasons stated above, the Court finds that the exclusion of time from October 23, 2019
5 through December 4, 2019 at 10:30 a.m. is warranted and that the ends of justice served by the
6 continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C.
7 § 3161(h)(7)(A). The failure to grant the requested continuance would deny effective preparation of
8 counsel, and would result in a miscarriage of justice. 18 U.S.C. § 3161 (h)(7)(B)(iv).

9 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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11 DATED: October 23, 2019

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13 THE HONORABLE JAMES DONATO
14 United States District Judge
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